

November 19, 2019

VIA ECF

The Hon. Judge Ona T. Wang
United States District Court for the
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Sadis & Goldberg, LLP v. Sumanta Banerjee*, Dkt. No. 14-cv 00913(LTS)(OTW)
Joint Status Letter

Dear Judge Wang,

As requested by the Court at the last status conference, the parties submit this joint letter updating the Court on the parties' available dates for the evidentiary hearing, the status of the outstanding subpoenas, the joint exhibit list, and pre-hearing submissions.

A. Available Dates for the Evidentiary Hearing

The Court requested the parties propose dates for the evidentiary hearing in the week of December 16 and the week of January 6. Unfortunately, neither party is available during the week of December 16. Defendant is also unavailable during the week of January 6 except for Friday, January 10, 2020. Plaintiff is only available in the morning of that day. The parties therefore offer the following potential dates for the Court:

- January 10, 2020, morning only.
- January 13–14, 2020
- January 21–23, 2020

B. HRB Subpoena

HRB Tax Group, Inc. ("HRB") has produced email communications with Defendant and his wife but has not yet produced the requested work files for Defendants' tax returns. In a recent communication with Plaintiff, HRB represented that they were still reviewing documents and would be making an additional production shortly.

C. Joint Exhibit List and Deposition Designations

Plaintiff has provided Defendant with a draft exhibit list and copies of all of the documents listed therein. Defendant has reviewed the list and added additional exhibits. Defendant has provided Plaintiff with copies of most, but not all of his intended exhibits (though the list includes all of Defendant's exhibits). Plaintiff reserves the right to add exhibits produced by HRB or necessary to rebut Defendants' exhibits.

Plaintiff has sent deposition designations to Defendants. Defendants are reviewing and will provide Plaintiff with counter-designations.

D. Pre-Hearing Submissions

As suggested by the Court, the parties are also working on a Joint Stipulation of Facts to be filed in advance of the evidentiary hearing.

However, the parties disagree about the advisability of pre-trial briefing. Defendant requests that in order to break the impasse both Pre-trial and Post-Trial papers are provided to the Court so the Court has the benefit of the case law and the arguments from both sides prior to the evidentiary hearing and also after the hearing. Plaintiff believes that post-trial briefing is more appropriate for any legal argument the Court believes necessary.

Jointly submitted,

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